

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

VIOLETTA HOANG, et al.,
Plaintiffs,
v.
REUNION.COM, INC.,
Defendant

No. C-08-3518 MMC

**ORDER AFFORDING PARTIES
OPPORTUNITY TO ADDRESS
WHETHER ACTION SHOULD BE
STAYED; EXTENDING DEADLINE TO
FILE RESPONSIVE BRIEFS**

By order filed October 20, 2009, the Court afforded each party the opportunity to file, no later than December 4, 2009, a supplemental brief limited to the issue of whether, in light of the Ninth Circuit's opinion in Gordon v. Virtumundo, Inc., 575 F.3d 1040 (9th Cir. 2009), the Court should reconsider its order dismissing the First Amended Complaint. Each party subsequently filed a timely supplemental brief. The Court's October 20, 2009 order also afforded each party the opportunity to file, no later than December 17, 2009, a responsive brief.


Following the submission of the parties' respective supplemental briefs, it has come to the Court's attention that the primary issue discussed therein is the focus of a fully-briefed appeal presenting awaiting determination by the Ninth Circuit, specifically, Hypertouch, Inc. v. Azoogole.com, Inc., Case No. 09-15943. Under such circumstances, it

1 may be appropriate to stay the instant action until the Ninth Circuit has issued its decision
2 in Hypertouch. See, e.g., Landis v. North American Co., 299 U.S. 248, 254, 258 (1936)
3 (holding district court has power to stay proceedings in light of pendency of another action;
4 observing district court should consider if “decision [in other action] may be expected within
5 a reasonable time”); Ortega v. J.B. Hunt Transport, Inc., 258 F.R.D. 361, 368, 371 (C.D.
6 Cal. 2009) (staying employees’ state law claims that employer failed to “provide” meal and
7 rest breaks, pending decision by California Supreme Court in two appeals in which
8 meaning of word “provide” is expected to be addressed).

9 As noted, the parties have been afforded the opportunity to file responsive briefs. In
10 addition to responding to any argument made in the supplemental briefs, the parties are
11 hereby afforded leave to address therein the issue of whether the instant action should be
12 stayed until the Ninth Circuit has issued its decision in Hypertouch. Further, in light of such
13 additional issue, the deadline to file a responsive brief is hereby extended to January 8,
14 2010.

15 **IT IS SO ORDERED.**

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17 Dated: December 11, 2009

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19 MAXINE M. CHESNEY
20 United States District Judge
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